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R.C.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/365,747 08/03/99 BARBER

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EXAMINER

QM12/0612

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ART UNIT

PAPER NUMBER

3723

3

DATE MAILED:

06/12/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/365,747

Applicant(s)

BARBER, LAUNCE R.

Examiner

Hadi Shakeri

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 18) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "arcuate slot", claim 3, line 8 must be shown or the feature(s) canceled from the claim(s).

No new matter should be entered. The drawings are approved by the Draftsperson under 37 CFR 1.84 or 1.152.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

✓ Claim 1 recites the limitation "...at least one tool pivotally mounted at one end to move..." in line 6. It is not defined to what element the tool is mounted. The structural relationship must be defined.

4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The arcuate slot in line 8 is not defined in the disclosure, which would make the claim vague and indefinite.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. U.S. Patent No. 5,270,909 in view of Myerchin et al. U.S. Patent No. 5,727,319.

Regarding claim 1, Weiss et al. discloses all the limitations of claim 1, i.e., a combination carabiner and tool device, Fig. 14 with a curvilinear body defining a loop having an upper loop (82), a lower loop (84), a tool (F1) integral with the handle region (80), a gate element (86) pivotally mounted to move between a closed position and an open position. It does not disclose an elongated storage slot in the handle region. Myerchin et al. teaches a knife with illuminated blade. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to substitute the flashlight of Weiss et al. with the knife and flashlight as taught by Myerchin et al. to carry extra tool with ease.

The modified tool of Weiss et al. and Myerchin et al. meets all the limitations of claims 2 and 4., i.e., a locking mechanism, (34) and a knife.

7. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art as applied to claim 1 above, further in view of Collins, U.S. Patent No. 5,581,834.

The modified tool of Weiss et al. and Myerchin et al. meets all the limitations of claims 5-7, except for the thumb ridge and one other folding tool. Collins discloses a folding knife and tool device with a thumb protuberance (112), column 6, lines 39-41 and other folding tool pivoting independently of the first tool. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide the modified tool of Weiss et al. and Myerchine et al. with the protuberance and other tools as taught by Collins to ease the opening of the blade and to transport more tools.

8. Claims 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art as applied to claim 7 above, further in view of Applicant's Information Disclosure Statement.

Prior art as applied to claim 7 above meets all the limitations of claims 8-16 except for the choice of the other tool device. Applicant's disclosure teaches the different tools that could be used in a combination tool device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use different tools, e.g., pair of pliers, for the other tool of modified tool of Weiss et al. and Myerchin et al. since it was known in the art that using different tools depending on the use is a routine design choice.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over prior art as applied to claim 1 above, further in view of Deweese U.S. Patent No. 4,363,147.

The modified tool of Weiss et al. and Myerchin et al. meets all the limitations of claim 17, except for the external cutout with a lip in the lower loop region. Deweese teaches a survival tool with an external cutout with a lip in the lower loop region, Fig. 1, (24). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide the tool of Weiss et al. as modified by Myerchine et al. with the cutout and the lip as taught by Deweese for slitting animal skins.

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over prior art as applied to claim 1 above, further in view of Wurzer U.S. Patent No. 5,463,798.

Prior art meets all the limitations of claim 18 except for the locking features for the gate. Wurzer teaches a self-locking carabiner, with reference to different types of locking features in column 1, lines 5-52. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide the tool of Weiss et al. as modified by Myerchine et al. with the locking mechanism as taught by Wurzer for security.

Allowable Subject Matter

11. Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

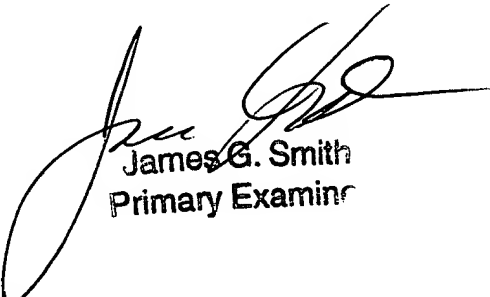
Conclusion

12. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Tillmanns, Cooper, Rose, Hoffman, Lee and Jobin are cited to show related tools.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is (703) 308-6279. The examiner can normally be reached on Monday-Friday, 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

HS

June 8, 2000


James G. Smith
Primary Examiner